

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

09/955.506

Confirmation No. 1343

Applicant Filed

John W. Orcutt 09/18/2001

TC/A.U.

2872

Examiner

Phan, James

Docket No.

TI-31437

Customer No.

23494

# **RESPONSE TO OFFICIAL ACTION**

Mail Stop Amendment Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1460.

Villiam B. Kempier, Reg. No. 28,248

Sir:

1. Transmitted herewith is an amendment for this application.

#### **STATUS**

2. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Applicant is other than a small entity.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for other total number of months checked below:

Extension Fee for other than (months) small entity
one month \$ 110.00
two months \$ 400.00
three months \$ 920.00
four months \$ 1,440.00

Fee \$ -0-

If an additional extension of time is required please consider this a petition therefore.

An extension formonths has already been secured and the fee paid therefore of \$is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request \$
OR
]

 $\boxtimes$ Applicant believes that no extension of term is required. However, this (b) conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

#### **FEE FOR CLAIMS**

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS AMENDED								
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID	PRESENT EXTRA	RATE	ADDITIONAL FEE		
Total Claims	22	Minus	22	= 0	x \$18 =	\$ 0		
Independent Claims	2	Minus	2	= 6	x \$86 =	\$ 0		
	\$ 0							

(c) No additional fee for claims is required.

**OR** 

(d) Total additional fee for claims required \$ -0-

### **FEE PAYMENT**

If any additional extension and/or fee is required, charge Deposit Account No. 20-0668 and/or if any additional fee for claims is required, charge Deposit Account No. 20-0668. Two copies of this sheet are enclosed.

Respectfully submitted.

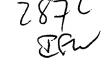
Texas Instruments Incorporated

William B. Kempler

Senior Corporate Patent Counsel

Reg. No. 28,228 (972) 917-5452





# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

09/955,506

Confirmation No. 1343

**Applicant** 

John W. Orcutt

Filed

09/18/2001

TC/A.U.

2872

Examiner

Phan, James

Docket No.

TI-31437

Customer No.

23494

# **ELECTION PURSUANT TO 37 C.F.R. §1.142**

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)
I hereby certify that the above correspondence is being deposited with the U.S. Postal Service; as First Class Mail in an envelope

with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria,

William B. Kempler-

DATE

Dear Sir:

The Examiner states that the Application contains two patentably distinct species:

A first species where the drive elements are electromagnetic drive corresponding to claims

3 and 16 and the second species where the drive elements are electrostatic drive

corresponding to claims 14 and 22. The Examiner requires that Applicant elect under 35

U.S.C. 121 a single disclosed species for prosecution on the merits to which the claim shall

be restricted if no generic claim is finally held to be allowable. The Examiner states that

currently claim 1 is generic to claims 3 and 14 and claim 15 is generic to claims 16 and 22.

Applicants elect the Examiner's species number 1 corresponding to electromagnetic drive elements. Claims 1-13 and 15-21 correspond to this elected species. In view of the fact that the Examiner has held claim 1 to be generic to claim 3, all the claims, except claim 14, which are dependent upon claim 1 are in the elected species. In view of the fact that the Examiner has stated that claim 15 is generic to claim 16, all the claims that are dependent upon claim 15, except claim 22, are in the elected species. In view of the fact that the Examiner has found that claim 1 is generic to claim 14 and claim 15 is generic to

currently elected species, should also be included in the allowed claims.

Early action on the merits is respectfully requested.

ļ

Respectfully submitted, Texas Instruments Incorporated

William B. Kempler

Senior Corporate Patent Counsel

Reg. No. 28,228

Tel.: (972) 917-5452